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HOUSE MEMORIAL 16

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

Jim R. Trujillo

A MEMORIAL

URGING THE DELAY OF IMPLEMENTATION OF CHANGES IN COORDINATED  
LONG-TERM SERVICES.

WHEREAS, the human services department and the aging and  
long-term services department have planned to implement a new  
program of managed care for individuals receiving long-term  
services, known as coordinated long-term services, beginning on  
July 1, 2008; and

WHEREAS, persons receiving services provided in the  
disabled and elderly waiver, the personal care option or  
nursing facilities would be required to receive all medical and  
long-term medicaid services through coordinated long-term  
services; and

WHEREAS, the number of "slots" for community-based waiver  
services in coordinated long-term services will be lower than

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1 the number currently established for the disabled and elderly  
2 waiver program, despite the great demand for these services;  
3 and

4 WHEREAS, access to community-based long-term services will  
5 not increase in coordinated long-term services because waiver  
6 slots will continue to be limited; and

7 WHEREAS, current rules on income eligibility favor  
8 institutional placement, and so access to personal care option  
9 services will still be available only to those with the lowest  
10 income; and

11 WHEREAS, implementation of coordinated long-term services  
12 will not reduce the waiting list for disabled and elderly  
13 waiver services, which waiting list includes over eight  
14 thousand persons and continues to grow; and

15 WHEREAS, time spent waiting for services is getting  
16 longer, and, as a result, people will be forced to enter  
17 nursing facilities or to go without critical services; and

18 WHEREAS, the Money Follows the Person in New Mexico Act,  
19 which allows a person who receives medicaid-funded services in  
20 a nursing home to use those funds to pay for community services  
21 in a waiver slot, was passed unanimously by both chambers of  
22 the legislature and was signed into law in March 2006; and

23 WHEREAS, the Money Follows the Person in New Mexico Act  
24 should allow more people to receive community services without  
25 increasing medicaid expenditures; and

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1           WHEREAS, the proposed reduced limits on authorized waiver  
2 slots in coordinated long-term services would make full  
3 implementation of the Money Follows the Person in New Mexico  
4 Act impossible; and

5           WHEREAS, the rate structure for monthly payments to the  
6 coordinated long-term services managed care organizations for  
7 each individual enrolled is critical to determining whether an  
8 adequate level of services will be provided to participants;  
9 and

10           WHEREAS, a question remains as to whether there will be  
11 incentives to serve seniors and persons with disabilities in  
12 the community rather than in institutions, but the state has  
13 not yet provided the legislature or other stakeholders with  
14 information about the rate structure; and

15           WHEREAS, the state should be very cautious in moving  
16 toward managed care for long-term services, given the state's  
17 previous experience with managed care for physical and  
18 behavioral health; and

19           WHEREAS, development of the coordinated long-term services  
20 program has been undertaken by the human services department  
21 and the aging and long-term services department with minimal  
22 involvement by the legislature; and

23           WHEREAS, advocates for seniors and persons with  
24 disabilities have expressed serious and legitimate concerns  
25 over whether the program, as designed, will achieve its stated

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1 goal of improving accessibility to long-term services in the  
2 community rather than in institutions;

3 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
4 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the human  
5 services department and the aging and long-term services  
6 department be requested to delay implementation of coordinated  
7 long-term services until July 1, 2009, at the earliest; and

8 BE IT FURTHER RESOLVED that the two departments consult in  
9 a meaningful way with representatives of providers and  
10 consumers on the design of the coordinated long-term services  
11 program; and

12 BE IT FURTHER RESOLVED that upon implementation of a  
13 coordinated long-term services program, the departments report  
14 regularly to the interim legislative finance committee and  
15 legislative health and human services committee on progress in  
16 developing the coordinated long-term services program; rates  
17 being paid for providers and enrollment; the cost per client;  
18 administrative costs; current rate structures; and the ways  
19 these provide incentives for community services instead of  
20 institutional care; and

21 BE IT FURTHER RESOLVED that the departments also regularly  
22 report on the numbers of clients in home- and community-based  
23 waiver services, persons receiving personal care option  
24 services and the numbers of persons in nursing homes; and

25 BE IT FURTHER RESOLVED that copies of this memorial be

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1 transmitted to the chairs of the interim legislative finance  
2 and health and human services committees and to the secretaries  
3 of human services and aging and long-term services.

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